

AMENDED IN SENATE APRIL 1, 2009

**SENATE BILL**

**No. 788**

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**Introduced by Senators Wyland and Steinberg**

February 27, 2009

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An act to amend Sections 728, 805, and 4990 of, to add Chapter 16 (commencing with Section 4999.10) to Division 2 of, and to repeal Sections 4999.32, 4999.56, 4999.58, and 4999.101 of, the Business and Professions Code, ~~and to amend Section 11165.7 of the Penal Code,~~ relating to professional clinical counselors.

LEGISLATIVE COUNSEL'S DIGEST

SB 788, as amended, Wyland. Licensed professional clinical counselors.

(1) Existing law provides for the licensure and regulation of marriage and family therapists and clinical social workers by the Board of Behavioral Sciences, in the Department of Consumer Affairs. Under existing law, the board consists of 11 members.

This bill would provide for the licensure, registration, and regulation of licensed professional clinical counselors and interns by the board and would add 4 additional members to the board, to be appointed by the Governor, *as specified*. The bill would enact various provisions concerning the practice of licensed professional clinical counselors, interns, and counselor trainees, including, but not limited to, practice requirements, and enforcement specifications. The bill would authorize the board to begin accepting applications for intern registration on January 1, 2011, and for professional clinical counselor licensure on January 1, 2012, but would authorize the board to issue licenses to individuals meeting certain criteria who apply between January 1, 2011, and June 30, 2011. The bill would authorize the board to impose

specified fees on licensed professional clinical counselors and interns which would be deposited in the Behavioral Sciences Fund to carry out the provisions of the bill. The bill would require that the startup costs of the program be funded by a loan from the Behavioral Sciences Fund, upon appropriation by the Legislature. The bill would provide that a violation of its provisions is a misdemeanor. By creating a new crime, the bill would impose a state-mandated local program.

~~(2) Existing law, the Child Abuse and Neglect Reporting Act, requires a mandated reporter, as defined, to report whenever he or she, in his or her professional capacity or within the scope of his or her employment, has knowledge of or observes a child whom the mandated reporter knows or reasonably suspects has been the victim of child abuse or neglect. Failure to report an incident is a crime punishable by imprisonment in a county jail for a period of up to 6 months, a fine of up to \$1,000, or by both that imprisonment and fine.~~

~~This bill would add licensed professional clinical counselors, counselor trainees, and unlicensed professional clinical counselor interns to the list of individuals who are mandated reporters. By imposing the reporting requirement on a new class of persons, the violation of which would be a crime, the bill would impose a state-mandated local program.~~

~~(3)~~

(2) The California Constitution requires the state to reimburse local agencies and school districts for certain costs mandated by the state. Statutory provisions establish procedures for making that reimbursement.

This bill would provide that no reimbursement is required by this act for a specified reason.

Vote: majority. Appropriation: no. Fiscal committee: yes.  
State-mandated local program: yes.

*The people of the State of California do enact as follows:*

- 1 SECTION 1. Section 728 of the Business and Professions Code
- 2 is amended to read:
- 3 728. (a) Any psychotherapist or employer of a psychotherapist
- 4 who becomes aware through a patient that the patient had alleged
- 5 sexual intercourse or alleged sexual contact with a previous
- 6 psychotherapist during the course of a prior treatment; shall provide
- 7 to the patient a brochure promulgated by the department that
- 8 delineates the rights of, and remedies for, patients who have been
- 9 involved sexually with their psychotherapist. Further, the

1 psychotherapist or employer shall discuss with the patient the  
2 brochure prepared by the department.

3 (b) Failure to comply with this section constitutes unprofessional  
4 conduct.

5 (c) For the purpose of this section, the following definitions  
6 apply:

7 (1) “Psychotherapist” means a physician and surgeon  
8 specializing in the practice of psychiatry or practicing  
9 psychotherapy, a psychologist, a clinical social worker, a marriage  
10 and family therapist, a licensed professional clinical counselor, a  
11 psychological assistant, a marriage and family therapist registered  
12 intern or trainee, an intern or trainee as specified in Chapter 16  
13 (commencing with Section 4999.10), or an associate clinical social  
14 worker.

15 (2) “Sexual contact” means the touching of an intimate part of  
16 another person.

17 (3) “Intimate part” and “touching” have the same meaning as  
18 defined in subdivisions (f) and (d), respectively, of Section 243.4  
19 of the Penal Code.

20 (4) “The course of a prior treatment” means the period of time  
21 during which a patient first commences treatment for services that  
22 a psychotherapist is authorized to provide under his or her scope  
23 of practice, or that the psychotherapist represents to the patient as  
24 being within his or her scope of practice, until the  
25 psychotherapist-patient relationship is terminated.

26 SEC. 2. Section 805 of the Business and Professions Code is  
27 amended to read:

28 805. (a) As used in this section, the following terms have the  
29 following definitions:

30 (1) “Peer review body” includes:

31 (A) A medical or professional staff of any health care facility  
32 or clinic licensed under Division 2 (commencing with Section  
33 1200) of the Health and Safety Code or of a facility certified to  
34 participate in the federal Medicare Program as an ambulatory  
35 surgical center.

36 (B) A health care service plan registered under Chapter 2.2  
37 (commencing with Section 1340) of Division 2 of the Health and  
38 Safety Code or a disability insurer that contracts with licentiates  
39 to provide services at alternative rates of payment pursuant to  
40 Section 10133 of the Insurance Code.

1 (C) Any medical, psychological, marriage and family therapy,  
2 social work, licensed professional clinical counseling, dental, or  
3 podiatric professional society having as members at least 25 percent  
4 of the eligible licentiates in the area in which it functions (which  
5 must include at least one county), which is not organized for profit  
6 and which has been determined to be exempt from taxes pursuant  
7 to Section 23701 of the Revenue and Taxation Code.

8 (D) A committee organized by any entity consisting of or  
9 employing more than 25 licentiates of the same class that functions  
10 for the purpose of reviewing the quality of professional care  
11 provided by members or employees of that entity.

12 (2) “Licentiate” means a physician and surgeon, doctor of  
13 podiatric medicine, clinical psychologist, marriage and family  
14 therapist, clinical social worker, licensed professional clinical  
15 counselor, or dentist. “Licentiate” also includes a person authorized  
16 to practice medicine pursuant to Section 2113.

17 (3) “Agency” means the relevant state licensing agency having  
18 regulatory jurisdiction over the licentiates listed in paragraph (2).

19 (4) “Staff privileges” means any arrangement under which a  
20 licentiate is allowed to practice in or provide care for patients in  
21 a health facility. Those arrangements shall include, but are not  
22 limited to, full staff privileges, active staff privileges, limited staff  
23 privileges, auxiliary staff privileges, provisional staff privileges,  
24 temporary staff privileges, courtesy staff privileges, locum tenens  
25 arrangements, and contractual arrangements to provide professional  
26 services, including, but not limited to, arrangements to provide  
27 outpatient services.

28 (5) “Denial or termination of staff privileges, membership, or  
29 employment” includes failure or refusal to renew a contract or to  
30 renew, extend, or reestablish any staff privileges, if the action is  
31 based on medical disciplinary cause or reason.

32 (6) “Medical disciplinary cause or reason” means that aspect  
33 of a licentiate’s competence or professional conduct that is  
34 reasonably likely to be detrimental to patient safety or to the  
35 delivery of patient care.

36 (7) “805 report” means the written report required under  
37 subdivision (b).

38 (b) The chief of staff of a medical or professional staff or other  
39 chief executive officer, medical director, or administrator of any  
40 peer review body and the chief executive officer or administrator

1 of any licensed health care facility or clinic shall file an 805 report  
2 with the relevant agency within 15 days after the effective date of  
3 any of the following that occur as a result of an action of a peer  
4 review body:

5 (1) A licentiate's application for staff privileges or membership  
6 is denied or rejected for a medical disciplinary cause or reason.

7 (2) A licentiate's membership, staff privileges, or employment  
8 is terminated or revoked for a medical disciplinary cause or reason.

9 (3) Restrictions are imposed, or voluntarily accepted, on staff  
10 privileges, membership, or employment for a cumulative total of  
11 30 days or more for any 12-month period, for a medical disciplinary  
12 cause or reason.

13 (c) The chief of staff of a medical or professional staff or other  
14 chief executive officer, medical director, or administrator of any  
15 peer review body and the chief executive officer or administrator  
16 of any licensed health care facility or clinic shall file an 805 report  
17 with the relevant agency within 15 days after any of the following  
18 occur after notice of either an impending investigation or the denial  
19 or rejection of the application for a medical disciplinary cause or  
20 reason:

21 (1) Resignation or leave of absence from membership, staff, or  
22 employment.

23 (2) The withdrawal or abandonment of a licentiate's application  
24 for staff privileges or membership.

25 (3) The request for renewal of those privileges or membership  
26 is withdrawn or abandoned.

27 (d) For purposes of filing an 805 report, the signature of at least  
28 one of the individuals indicated in subdivision (b) or (c) on the  
29 completed form shall constitute compliance with the requirement  
30 to file the report.

31 (e) An 805 report shall also be filed within 15 days following  
32 the imposition of summary suspension of staff privileges,  
33 membership, or employment, if the summary suspension remains  
34 in effect for a period in excess of 14 days.

35 (f) A copy of the 805 report, and a notice advising the licentiate  
36 of his or her right to submit additional statements or other  
37 information pursuant to Section 800, shall be sent by the peer  
38 review body to the licentiate named in the report.

39 The information to be reported in an 805 report shall include the  
40 name and license number of the licentiate involved, a description

1 of the facts and circumstances of the medical disciplinary cause  
2 or reason, and any other relevant information deemed appropriate  
3 by the reporter.

4 A supplemental report shall also be made within 30 days  
5 following the date the licensee is deemed to have satisfied any  
6 terms, conditions, or sanctions imposed as disciplinary action by  
7 the reporting peer review body. In performing its dissemination  
8 functions required by Section 805.5, the agency shall include a  
9 copy of a supplemental report, if any, whenever it furnishes a copy  
10 of the original 805 report.

11 If another peer review body is required to file an 805 report, a  
12 health care service plan is not required to file a separate report  
13 with respect to action attributable to the same medical disciplinary  
14 cause or reason. If the Medical Board of California or a licensing  
15 agency of another state revokes or suspends, without a stay, the  
16 license of a physician and surgeon, a peer review body is not  
17 required to file an 805 report when it takes an action as a result of  
18 the revocation or suspension.

19 (g) The reporting required by this section shall not act as a  
20 waiver of confidentiality of medical records and committee reports.  
21 The information reported or disclosed shall be kept confidential  
22 except as provided in subdivision (c) of Section 800 and Sections  
23 803.1 and 2027, provided that a copy of the report containing the  
24 information required by this section may be disclosed as required  
25 by Section 805.5 with respect to reports received on or after  
26 January 1, 1976.

27 (h) The Medical Board of California, the Osteopathic Medical  
28 Board of California, and the Dental Board of California shall  
29 disclose reports as required by Section 805.5.

30 (i) An 805 report shall be maintained by an agency for  
31 dissemination purposes for a period of three years after receipt.

32 (j) No person shall incur any civil or criminal liability as the  
33 result of making any report required by this section.

34 (k) A willful failure to file an 805 report by any person who is  
35 designated or otherwise required by law to file an 805 report is  
36 punishable by a fine not to exceed one hundred thousand dollars  
37 (\$100,000) per violation. The fine may be imposed in any civil or  
38 administrative action or proceeding brought by or on behalf of any  
39 agency having regulatory jurisdiction over the person regarding  
40 whom the report was or should have been filed. If the person who

1 is designated or otherwise required to file an 805 report is a  
2 licensed physician and surgeon, the action or proceeding shall be  
3 brought by the Medical Board of California. The fine shall be paid  
4 to that agency but not expended until appropriated by the  
5 Legislature. A violation of this subdivision may constitute  
6 unprofessional conduct by the licensee. A person who is alleged  
7 to have violated this subdivision may assert any defense available  
8 at law. As used in this subdivision, “willful” means a voluntary  
9 and intentional violation of a known legal duty.

10 (l) Except as otherwise provided in subdivision (k), any failure  
11 by the administrator of any peer review body, the chief executive  
12 officer or administrator of any health care facility, or any person  
13 who is designated or otherwise required by law to file an 805  
14 report, shall be punishable by a fine that under no circumstances  
15 shall exceed fifty thousand dollars (\$50,000) per violation. The  
16 fine may be imposed in any civil or administrative action or  
17 proceeding brought by or on behalf of any agency having  
18 regulatory jurisdiction over the person regarding whom the report  
19 was or should have been filed. If the person who is designated or  
20 otherwise required to file an 805 report is a licensed physician and  
21 surgeon, the action or proceeding shall be brought by the Medical  
22 Board of California. The fine shall be paid to that agency but not  
23 expended until appropriated by the Legislature. The amount of the  
24 fine imposed, not exceeding fifty thousand dollars (\$50,000) per  
25 violation, shall be proportional to the severity of the failure to  
26 report and shall differ based upon written findings, including  
27 whether the failure to file caused harm to a patient or created a  
28 risk to patient safety; whether the administrator of any peer review  
29 body, the chief executive officer or administrator of any health  
30 care facility, or any person who is designated or otherwise required  
31 by law to file an 805 report exercised due diligence despite the  
32 failure to file or whether they knew or should have known that an  
33 805 report would not be filed; and whether there has been a prior  
34 failure to file an 805 report. The amount of the fine imposed may  
35 also differ based on whether a health care facility is a small or  
36 rural hospital as defined in Section 124840 of the Health and Safety  
37 Code.

38 (m) A health care service plan registered under Chapter 2.2  
39 (commencing with Section 1340) of Division 2 of the Health and  
40 Safety Code or a disability insurer that negotiates and enters into

1 a contract with licentiates to provide services at alternative rates  
2 of payment pursuant to Section 10133 of the Insurance Code, when  
3 determining participation with the plan or insurer, shall evaluate,  
4 on a case-by-case basis, licentiates who are the subject of an 805  
5 report, and not automatically exclude or deselect these licentiates.

6 SEC. 3. Section 4990 of the Business and Professions Code is  
7 amended to read:

8 4990. (a) There is in the Department of Consumer Affairs, a  
9 Board of Behavioral Sciences that consists of 15 members  
10 composed as follows:

11 (1) Two state licensed clinical social workers.

12 (2) One state licensed educational psychologist.

13 (3) Two state licensed marriage and family therapists.

14 (4) ~~Two—Commencing January 1, 2012, two state~~ licensed  
15 professional clinical counselors.

16 (5) Eight public members.

17 (b) Each member, except the eight public members, shall have  
18 at least two years of experience in his or her profession.

19 (c) Each member shall reside in the State of California.

20 (d) The Governor shall appoint six of the public members and  
21 the seven licensed members with the advice and consent of the  
22 Senate. The Senate Committee on Rules and the Speaker of the  
23 Assembly shall each appoint a public member.

24 (e) Each member of the board shall be appointed for a term of  
25 four years. A member appointed by the Speaker of the Assembly  
26 or the Senate Committee on Rules shall hold office until the  
27 appointment and qualification of his or her successor or until one  
28 year from the expiration date of the term for which he or she was  
29 appointed, whichever first occurs. Pursuant to Section 1774 of the  
30 Government Code, a member appointed by the Governor shall  
31 hold office until the appointment and qualification of his or her  
32 successor or until 60 days from the expiration date of the term for  
33 which he or she was appointed, whichever first occurs.

34 (f) A vacancy on the board shall be filled by appointment for  
35 the unexpired term by the authority who appointed the member  
36 whose membership was vacated.

37 (g) Not later than the first of June of each calendar year, the  
38 board shall elect a chairperson and a vice chairperson from its  
39 membership.



1 (h) Each member of the board shall receive a per diem and  
2 reimbursement of expenses as provided in Section 103.

3 (i) This section shall remain in effect only until January 1, 2011,  
4 and as of that date is repealed, unless a later enacted statute, that  
5 is enacted before January 1, 2011, deletes or extends that date.

6 SEC. 4. Chapter 16 (commencing with Section 4999.10) is  
7 added to Division 2 of the Business and Professions Code, to read:

8  
9 CHAPTER 16. LICENSED PROFESSIONAL CLINICAL COUNSELORS

10  
11 Article 1. Administration

12  
13 4999.10. This chapter constitutes, and may be cited as, the  
14 Licensed Professional Clinical Counselor Act.

15 4999.12. For purposes of this chapter, the following terms have  
16 the following meanings:

17 (a) "Board" means the Board of Behavioral Sciences.

18 (b) "Accredited" means a school, college, or university  
19 accredited by the Western Association of Schools and Colleges,  
20 or its equivalent regional accrediting association.

21 (c) "Approved" means a school, college, or university that  
22 possessed unconditional approval by the Bureau for Private  
23 Postsecondary and Vocational Education at the time of the  
24 applicant's graduation from the school, college, or university.

25 (d) "Applicant" means an unlicensed person who has completed  
26 a master's or doctoral degree program, as specified in Section  
27 4999.32 or 4999.33, as applicable, and whose application for  
28 registration as an intern is pending or who is in the examination  
29 process, or an unlicensed person who has completed the  
30 requirements for licensure specified in this chapter, is no longer  
31 registered with the board as an intern, and is currently in the  
32 examination process.

33 (e) "Licensed professional clinical counselor" or "LPCC" means  
34 a person licensed under this chapter to practice professional clinical  
35 counseling, as defined in Section 4999.20.

36 (f) "Intern" means an unlicensed person who meets the  
37 requirements of Section 4999.42 and is registered with the board.

38 (g) "Counselor trainee" means an unlicensed person who is  
39 currently enrolled in a master's or doctoral degree program, as  
40 specified in Section 4999.32 or 4999.33, as applicable, that is

1 designed to qualify him or her for licensure under this chapter, and  
2 who has completed no less than 12 semester units or 18 quarter  
3 units of coursework in any qualifying degree program.

4 (h) “Approved supervisor” means an individual who meets the  
5 following requirements:

6 (1) Has documented two years of clinical experience as a  
7 licensed professional clinical counselor, licensed marriage and  
8 family therapist, licensed clinical psychologist, licensed clinical  
9 social worker, or licensed physician and surgeon who is certified  
10 in psychiatry by the American Board of Psychiatry and Neurology.

11 (2) Has received professional training in supervision.

12 (3) Has not provided therapeutic services to the counselor trainee  
13 or intern.

14 (4) Has a current and valid license that is not under suspension  
15 or probation.

16 (i) “Professional enrichment activities” includes the following:

17 (1) Workshops, seminars, training sessions, or conferences  
18 directly related to professional clinical counseling attended by the  
19 applicant and approved by the applicant’s supervisor.

20 (2) Participation by the applicant in group, marital or conjoint,  
21 family, or individual psychotherapy by an appropriately licensed  
22 professional.

23 (j) “Advertising” or “advertise” includes, but is not limited to,  
24 the issuance of any card, sign, or device to any person, or the  
25 causing, permitting, or allowing of any sign or marking on, or in,  
26 any building or structure, or in any newspaper or magazine or in  
27 any directory, or any printed matter whatsoever, with or without  
28 any limiting qualification. It also includes business solicitations  
29 communicated by radio or television broadcasting. Signs within  
30 church buildings or notices in church bulletins mailed to a  
31 congregation shall not be construed as advertising within the  
32 meaning of this chapter.

33 (k) “Referral” means evaluating and identifying the needs of a  
34 client to determine whether it is advisable to refer the client to  
35 other specialists, informing the client of that judgment, and  
36 communicating that determination as requested or deemed  
37 appropriate to referral sources.

38 (l) “Research” means a systematic effort to collect, analyze, and  
39 interpret quantitative and qualitative data that describes how social  
40 characteristics, behavior, emotion, cognitions, disabilities, mental

1 disorders, and interpersonal transactions among individuals and  
2 organizations interact.

3 (m) “Supervision” includes the following:

4 (1) Ensuring that the extent, kind, and quality of counseling  
5 performed is consistent with the education, training, and experience  
6 of the person being supervised.

7 (2) Reviewing client or patient records, monitoring and  
8 evaluating assessment, diagnosis, and treatment decisions of the  
9 counselor trainee.

10 (3) Monitoring and evaluating the ability of the intern or  
11 counselor trainee to provide services to the particular clientele at  
12 the site or sites where he or she will be practicing.

13 (4) Ensuring compliance with laws and regulations governing  
14 the practice of licensed professional clinical counseling.

15 (5) That amount of direct observation, or review of audio or  
16 videotapes of counseling or therapy, as deemed appropriate by the  
17 supervisor.

18 4999.14. The board shall do all of the following:

19 (a) Communicate information about its activities, the  
20 requirements and qualifications for licensure, and the practice of  
21 professional clinical counseling to the relevant educational  
22 institutions, supervisors, professional associations, applicants,  
23 counselor trainees, interns, and the public.

24 (b) Develop policies and procedures to assist educational  
25 institutions in meeting the educational qualifications of Sections  
26 4999.32 and 4999.33.

27  
28 Article 2. Scope of Practice  
29

30 4999.20. (a) ~~Professional clinical counseling~~ “*Professional*  
31 *clinical counseling*” means the application of counseling  
32 interventions and psychotherapeutic techniques to identify and  
33 remediate behavioral, cognitive, mental, and emotional issues,  
34 including personal growth, adjustment to disability, crisis  
35 intervention, and psychosocial and environmental problems.  
36 ~~Professional clinical counseling~~ “*Professional clinical counseling*”  
37 includes conducting assessments for the purpose of establishing  
38 treatment goals and objectives to empower individuals to deal  
39 adequately with life situations, reduce stress, experience growth,  
40 and make well-informed, rational decisions.

(b) “Counseling interventions and psychotherapeutic techniques” means the application of cognitive, affective, behavioral, verbal or nonverbal, systemic or holistic counseling strategies that include principles of development, wellness, and pathology that reflect a pluralistic society. These interventions and techniques are specifically implemented in the context of a professional clinical counseling relationship and use a variety of counseling theories and approaches.

(c) “Assessment” means selecting, administering, scoring, and interpreting tests, instruments, and other tools and methods designed to measure an individual’s attitudes, abilities, aptitudes, achievements, interests, personal characteristics, disabilities, and mental, emotional, and behavioral concerns and development and the use of methods and techniques for understanding human behavior in relation to coping with, adapting to, or ameliorating changing life situations, as part of the counseling process. “Assessment” shall not include the use of projective techniques in the assessment of personality, individually administered intelligence tests, neuropsychological testing, or utilization of a battery of three or more tests to determine the presence of psychosis, dementia, amnesia, cognitive impairment, or criminal behavior.

(d) Professional clinical counselors shall refer clients to other licensed health care professionals when they identify issues beyond their own scope of education, training, and experience.

4999.22. (a) Nothing in this chapter shall prevent qualified persons from doing work of a psychosocial nature consistent with the standards and ethics of their respective professions. However, these qualified persons shall not hold themselves out to the public by any title or description of services incorporating the words “licensed professional clinical counselor” and shall not state that they are licensed to practice professional clinical counseling, unless they are otherwise licensed to provide professional clinical counseling services.

(b) Nothing in this chapter shall be construed to constrict, limit, or withdraw provisions of the Medical Practice Act, the Clinical Social Worker Practice Act, the Nursing Practice Act, the Psychology Licensing Law, or the Marriage and Family Therapy licensing laws.

1 (c) This chapter shall not apply to any priest, rabbi, or minister  
2 of the gospel of any religious denomination who performs  
3 counseling services as part of his or her pastoral or professional  
4 duties, or to any person who is admitted to practice law in this  
5 state, or who is licensed to practice medicine, who provides  
6 counseling services as part of his or her professional practice.

7 (d) This chapter shall not apply to an employee of a  
8 governmental entity or of a school, college, or university, or of an  
9 institution both nonprofit and charitable, if his or her practice is  
10 performed solely under the supervision of the entity, school, or  
11 organization by which he or she is employed, and if he or she  
12 performs those functions as part of the position for which he or  
13 she is employed.

14 (e) All persons registered as interns or licensed under this  
15 chapter shall not be exempt from this chapter or the jurisdiction  
16 of the board.

17 4999.24. Nothing in this chapter shall restrict or prevent  
18 activities of a psychotherapeutic or counseling nature on the part  
19 of persons employed by accredited or state-approved academic  
20 institutions, public schools, government agencies, or nonprofit  
21 institutions engaged in the training of graduate students or  
22 counselor trainees pursuing a course of study leading to a degree  
23 that qualifies for professional clinical counselor licensure at an  
24 accredited or state-approved college or university, or working in  
25 a recognized training program, provided that these activities and  
26 services constitute a part of a supervised course of study and that  
27 those persons are designated by a title such as “counselor trainee”  
28 or other title clearly indicating the training status appropriate to  
29 the level of training.

### 30 Article 3. Licensure

31  
32  
33 4999.30. Except as otherwise provided in this chapter, a person  
34 shall not practice or advertise the performance of professional  
35 clinical counseling services without a license issued by the board,  
36 and shall pay the license fee required by this chapter.

37 4999.32. (a) This section shall apply to applicants for licensure  
38 or registration who begin graduate study before August 1, 2012,  
39 and complete that study on or before December 31, 2018. Those

1 applicants may alternatively qualify under paragraph (2) of  
2 subdivision (a) of Section 4999.33.

3 (b) To qualify for a license or registration, applicants shall  
4 possess a master's or doctoral degree that is counseling or  
5 psychotherapy in content and that meets the requirements of this  
6 section, obtained from an accredited or approved institution, as  
7 defined in Section 4999.12. For purposes of this subdivision, a  
8 degree is "counseling or psychotherapy in content" if it contains  
9 the supervised practicum or field study experience described in  
10 paragraph (3) of subdivision (c) and, except as provided in  
11 subdivision (d), the coursework in the core content areas listed in  
12 subparagraphs (A) to (I), inclusive, of paragraph (1) of subdivision  
13 (c).

14 (c) The degree described in subdivision (b) shall contain not  
15 less than 48 graduate semester or 72 graduate quarter units of  
16 instruction, which shall, except as provided in subdivision (d),  
17 include all of the following:

18 (1) The equivalent of at least three semester units or four and  
19 one-half quarter units of graduate study in each of following core  
20 content areas:

21 (A) Counseling and psychotherapeutic theories and techniques,  
22 including the counseling process in a multicultural society, an  
23 orientation to wellness and prevention, counseling theories to assist  
24 in selection of appropriate counseling interventions, models of  
25 counseling consistent with current professional research and  
26 practice, development of a personal model of counseling, and  
27 multidisciplinary responses to crises, emergencies, and disasters.

28 (B) Human growth and development across the lifespan,  
29 including normal and abnormal behavior and an understanding of  
30 developmental crises, disability, psychopathology, and situational  
31 and environmental factors that affect both normal and abnormal  
32 behavior.

33 (C) Career development theories and techniques, including  
34 career development decisionmaking models and interrelationships  
35 among and between work, family, and other life roles and factors,  
36 including the role of multicultural issues in career development.

37 (D) Group counseling theories and techniques, including  
38 principles of group dynamics, group process components,  
39 developmental stage theories, therapeutic factors of group work,  
40 group leadership styles and approaches, pertinent research and

1 literature, group counseling methods, and evaluation of  
2 effectiveness.

3 (E) Assessment, appraisal, and testing of individuals, including  
4 basic concepts of standardized and nonstandardized testing and  
5 other assessment techniques, norm-referenced and  
6 criterion-referenced assessment, ~~statistic~~ *statistical* concepts, social  
7 and cultural factors related to assessment and evaluation of  
8 individuals and groups, and ethical strategies for selecting,  
9 administering, and interpreting assessment instruments and  
10 techniques in counseling.

11 (F) Multicultural counseling theories and techniques, including  
12 counselors' roles in developing cultural self-awareness, identity  
13 development, promoting cultural social justice, individual and  
14 community strategies for working with and advocating for diverse  
15 populations, and counselors' roles in eliminating biases and  
16 prejudices, and processes of intentional and unintentional  
17 oppression and discrimination.

18 (G) Principles of the diagnostic process, including differential  
19 diagnosis, and the use of current diagnostic tools, such as the  
20 current edition of the Diagnostic and Statistical Manual, the impact  
21 of co-occurring substance use disorders on medical psychological  
22 disorders, established diagnostic criteria for mental or emotional  
23 disorders, and the treatment modalities and placement criteria  
24 within the continuum of care.

25 (H) Research and evaluation, including studies that provide an  
26 understanding of research methods, statistical analysis, the use of  
27 research to inform evidence-based practice, the importance of  
28 research in advancing the profession of counseling, and statistical  
29 methods used in conducting research, needs assessment, and  
30 program evaluation.

31 (I) Professional orientation, ethics, and law in counseling,  
32 including professional ethical standards and legal considerations,  
33 licensing law and process, regulatory laws that delineate the  
34 profession's scope of practice, counselor-client privilege,  
35 confidentiality, the client dangerous to self or others, treatment of  
36 minors with or without parental consent, relationship between  
37 practitioner's sense of self and human values, functions and  
38 relationships with other human service providers, strategies for  
39 collaboration, and advocacy processes needed to address

1 institutional and social barriers that impede access, equity, and  
2 success for clients.

3 (2) A minimum of 12 semester units or 18 quarter units of  
4 advanced coursework to develop knowledge of specific treatment  
5 issues, special populations, application of counseling constructs,  
6 assessment and treatment planning, clinical interventions,  
7 therapeutic relationships, psychopathology, or other clinical topics.

8 (3) Not less than six semester units or nine quarter units of  
9 supervised practicum or field study experience, or the equivalent,  
10 in a clinical setting that provides a range of professional clinical  
11 counseling experience, including the following:

12 (A) Applied psychotherapeutic techniques.

13 (B) Assessment.

14 (C) Diagnosis.

15 (D) Prognosis.

16 (E) Treatment.

17 (F) Issues of development, adjustment, and maladjustment.

18 (G) Health and wellness promotion.

19 (H) Other recognized counseling interventions.

20 (I) A minimum of 150 hours of face-to-face supervised clinical  
21 experience counseling individuals, families, or groups.

22 (d) (1) An applicant whose degree is deficient in no more than  
23 two of the required areas of study listed in subparagraphs (A) to  
24 (I), inclusive, of paragraph (1) of subdivision (c) may satisfy the  
25 requirements by successfully completing postmaster's or  
26 postdoctoral degree coursework at an accredited or approved  
27 institution, as defined in Section 4999.12.

28 (2) Coursework taken to meet deficiencies in the required areas  
29 of study listed in subparagraphs (A) to (I), inclusive, of paragraph  
30 (1) of subdivision (c) shall be the equivalent of three semester units  
31 or four and one-half quarter units of study.

32 (3) The board shall make the final determination as to whether  
33 a degree meets all requirements, including, but not limited to,  
34 course requirements, regardless of accreditation.

35 (e) In addition to the degree described in this section, or as part  
36 of that degree, an applicant shall complete the following  
37 coursework or training prior to registration as an intern:

38 (1) A minimum of 15 contact hours of instruction in alcoholism  
39 and other chemical substance abuse dependency, as specified by  
40 regulation.



1 (2) A minimum of 10 contact hours of training or coursework  
2 in human sexuality as specified in Section 25, and any regulations  
3 promulgated thereunder.

4 (3) A two semester unit or three quarter unit survey course in  
5 psychopharmacology.

6 (4) A minimum of 15 contact hours of instruction in spousal or  
7 partner abuse assessment, detection, and intervention strategies,  
8 including knowledge of community resources, cultural factors,  
9 and same gender abuse dynamics.

10 (5) A minimum of seven contact hours of training or coursework  
11 in child abuse assessment and reporting as specified in Section 28  
12 and any regulations adopted thereunder.

13 (6) A minimum of 18 contact hours of instruction in California  
14 law and professional ethics for professional clinical counselors.  
15 When coursework in a master's or doctoral degree program is  
16 acquired to satisfy this requirement, it shall be considered as part  
17 of the 48 semester unit or 72 quarter unit requirement in  
18 subdivision (c).

19 (7) A minimum of 10 contact hours of instruction in aging and  
20 long-term care, which may include, but is not limited to, the  
21 biological, social, and psychological aspects of aging.

22 (8) A minimum of 15 contact hours of instruction in crisis or  
23 trauma counseling, including multidisciplinary responses to crises,  
24 emergencies, or disasters, and brief, intermediate, and long-term  
25 approaches.

26 (f) This section shall remain in effect only until January 1, 2019,  
27 and as of that date is repealed, unless a later enacted statute that  
28 is enacted before January 1, 2019, deletes or extends that date.

29 4999.33. (a) This section shall apply to the following:

30 (1) Applicants for licensure or registration who begin graduate  
31 study before August 1, 2012, and do not complete that study on  
32 or before December 31, 2018.

33 (2) Applicants for licensure or registration who begin graduate  
34 study before August 1, 2012, and who graduate from a degree  
35 program that meets the requirements of this section.

36 (3) Applicants for licensure or registration who begin graduate  
37 study on or after August 1, 2012.

38 (b) To qualify for a license or registration, applicants shall  
39 possess a master's or doctoral degree that is counseling or  
40 psychotherapy in content and that meets the requirements of this

1 section, obtained from an accredited or approved institution, as  
2 defined in Section 4999.12. For purposes of this subdivision, a  
3 degree is “counseling or psychotherapy in content” if it contains  
4 the supervised practicum or field study experience described in  
5 paragraph (3) of subdivision (c) and, except as provided in  
6 subdivision (f), the coursework in the core content areas listed in  
7 subparagraphs (A) to (M), inclusive, of paragraph (1) of  
8 subdivision (c).

9 (c) The degree described in subdivision (b) shall contain not  
10 less than 60 graduate semester or 90 graduate quarter units of  
11 instruction, which shall, except as provided in subdivision (f),  
12 include all of the following:

13 (1) The equivalent of at least three semester units or four and  
14 one-half quarter units of graduate study in all of the following core  
15 content areas:

16 (A) Counseling and psychotherapeutic theories and techniques,  
17 including the counseling process in a multicultural society, an  
18 orientation to wellness and prevention, counseling theories to assist  
19 in selection of appropriate counseling interventions, models of  
20 counseling consistent with current professional research and  
21 practice, development of a personal model of counseling, and  
22 multidisciplinary responses to crises, emergencies, and disasters.

23 (B) Human growth and development across the lifespan,  
24 including normal and abnormal behavior and an understanding of  
25 developmental crises, disability, psychopathology, and situational  
26 and environmental factors that affect both normal and abnormal  
27 behavior.

28 (C) Career development theories and techniques, including  
29 career development decisionmaking models and interrelationships  
30 among and between work, family and other life roles and factors,  
31 including the role of multicultural issues in career development.

32 (D) Group counseling theories and techniques, including  
33 principles of group dynamics, group process components, group  
34 developmental stage theories, therapeutic factors of group work,  
35 group leadership styles and approaches, pertinent research and  
36 literature, group counseling methods, and evaluation of  
37 effectiveness.

38 (E) Assessment, appraisal, and testing of individuals, including  
39 basic concepts of standardized and nonstandardized testing and  
40 other assessment techniques, norm-referenced and

1 criterion-referenced assessment, statistic concepts, social and  
2 cultural factors related to assessment and evaluation of individuals  
3 and groups, and ethical strategies for selecting, administering, and  
4 interpreting assessment instruments and techniques in counseling.

5 (F) Multicultural counseling theories and techniques, including  
6 counselors' roles in developing cultural self-awareness, identity  
7 development, promoting cultural social justice, individual and  
8 community strategies for working with and advocating for diverse  
9 populations, and counselors' roles in eliminating biases and  
10 prejudices, and processes of intentional and unintentional  
11 oppression and discrimination.

12 (G) Principles of the diagnostic process, including differential  
13 diagnosis, and the use of current diagnostic tools, such as the  
14 current edition of the Diagnostic and Statistical Manual, the impact  
15 of co-occurring substance use disorders on medical psychological  
16 disorders, established diagnostic criteria for mental or emotional  
17 disorders, and the treatment modalities and placement criteria  
18 within the continuum of care.

19 (H) Research and evaluation, including studies that provide an  
20 understanding of research methods, statistical analysis, the use of  
21 research to inform evidence-based practice, the importance of  
22 research in advancing the profession of counseling, and statistical  
23 methods used in conducting research, needs assessment, and  
24 program evaluation.

25 (I) Professional orientation, ethics, and law in counseling,  
26 including professional ethical standards and legal considerations,  
27 licensing law and process, regulatory laws that delineate the  
28 profession's scope of practice, counselor-client privilege,  
29 confidentiality, the client dangerous to self or others, treatment of  
30 minors with or without parental consent, relationship between  
31 practitioner's sense of self and human values, functions and  
32 relationships with other human service providers, strategies for  
33 collaboration, and advocacy processes needed to address  
34 institutional and social barriers that impede access, equity, and  
35 success for clients.

36 (J) Psychopharmacology, including the biological bases of  
37 behavior, basic classifications, indications, and contraindications  
38 of commonly prescribed psychopharmacological medications so  
39 that appropriate referrals can be made for medication evaluations  
40 and so that the side effects of those medications can be identified.

1 (K) Addictions counseling, including substance abuse,  
2 co-occurring disorders, and addiction, major approaches to  
3 identification, evaluation, treatment, and prevention of substance  
4 abuse and addiction, legal and medical aspects of substance abuse,  
5 populations at risk, the role of support persons, support systems,  
6 and community resources.

7 (L) Crisis or trauma counseling, including crisis theory;  
8 multidisciplinary responses to crises, emergencies, or disasters;  
9 cognitive, affective, behavioral, and neurological effects associated  
10 with trauma; brief, intermediate and long-term approaches; and  
11 assessment strategies for clients in crisis and principles of  
12 intervention for individuals with mental or emotional disorders  
13 during times of crisis, emergency, or disaster.

14 (M) Advanced counseling and psychotherapeutic theories and  
15 techniques, including the application of counseling constructs,  
16 assessment and treatment planning, clinical interventions,  
17 therapeutic relationships, psychopathology, or other clinical topics.

18 (2) Fifteen semester units or 22.5 quarter units of advanced  
19 coursework and experience to develop knowledge of specific  
20 treatment issues or special populations.

21 (3) Not less than six semester units or nine quarter units of  
22 supervised practicum or field study experience, or the equivalent,  
23 in a clinical setting that provides a range of professional clinical  
24 counseling experience, including the following:

25 (A) Applied psychotherapeutic techniques.

26 (B) Assessment.

27 (C) Diagnosis.

28 (D) Prognosis.

29 (E) Treatment.

30 (F) Issues of development, adjustment, and maladjustment.

31 (G) Health and wellness promotion.

32 (H) Professional writing including documentation of services,  
33 treatment plans, and progress notes.

34 (I) How to find and use resources.

35 (J) Other recognized counseling interventions.

36 (K) A minimum of 280 hours of face-to-face supervised clinical  
37 experience counseling individuals, families, or groups.

38 (d) The 60 graduate semester units or 90 graduate quarter units  
39 of instruction required pursuant to subdivision (c) shall, in addition

1 to meeting the requirements of subdivision (c), include instruction  
2 in all of the following:

3 (1) The understanding of human behavior within the social  
4 context of socioeconomic status and other contextual issues  
5 affecting social position.

6 (2) The understanding of human behavior within the social  
7 context of a representative variety of the cultures found within  
8 California.

9 (3) Cultural competency and sensitivity, including a familiarity  
10 with the racial, cultural, linguistic, and ethnic backgrounds of  
11 persons living in California.

12 (4) An understanding of the effects of socioeconomic status on  
13 treatment and available resources.

14 (5) Multicultural development and cross-cultural interaction,  
15 including experiences of race, ethnicity, class, spirituality, sexual  
16 orientation, gender, and disability and their incorporation into the  
17 psychotherapeutic process.

18 (6) Case management, systems of care for the severely mentally  
19 ill, public and private services for the severely mentally ill,  
20 community resources for victims of abuse, disaster and trauma  
21 response, advocacy for the severely mentally ill and collaborative  
22 treatment. The instruction required in this paragraph may be  
23 provided either in credit level coursework or through extension  
24 programs offered by the degree-granting institution.

25 (7) Human sexuality, including the study of the physiological,  
26 psychological, and social cultural variables associated with sexual  
27 behavior, gender identity, and the assessment and treatment of  
28 psychosexual dysfunction.

29 (8) Spousal or partner abuse assessment, detection, intervention  
30 strategies, and same-gender abuse dynamics.

31 (9) Child abuse assessment and reporting.

32 (10) Aging and long-term care, including biological, social,  
33 cognitive, and psychological aspects of aging.

34 (e) A degree program that qualifies for licensure under this  
35 section shall do all of the following:

36 (1) Integrate the principles of mental health recovery-oriented  
37 care and methods of service delivery in recovery-oriented practice  
38 environments.

39 (2) Integrate an understanding of various cultures and the social  
40 and psychological implications of socioeconomic position.

(3) Provide the opportunity for students to meet with various consumers and family members of consumers of mental health services to enhance understanding of their experience of mental illness, treatment, and recovery.

(f) (1) An applicant whose degree is deficient in no more than three of the required areas of study listed in subparagraphs (A) to (M), inclusive, of paragraph (1) of subdivision (c) may satisfy the requirements by successfully completing postmaster's or postdoctoral degree coursework at an accredited or approved institution, as defined in Section 4999.12.

(2) Coursework taken to meet deficiencies in the required areas of study listed in subparagraphs (A) to (M), inclusive, of paragraph (1) of subdivision (c) shall be the equivalent of three semester units or four and one-half quarter units of study.

(3) The board shall make the final determination as to whether a degree meets all requirements, including, but not limited to, course requirements, regardless of accreditation.

4999.34. A counselor trainee may be credited with predegree supervised practicum and field study experience completed in a setting that meets all of the following requirements:

(a) Lawfully and regularly provides mental health counseling and psychotherapy.

(b) Provides oversight to ensure that the counselor trainee's work at the setting meets the practicum and field study experience and requirements set forth in this chapter and is within the scope of practice for licensed professional clinical counselors.

(c) Is not a private practice.

(d) Experience may be gained by the counselor trainee solely as part of the position for which the counselor trainee volunteers or is employed.

4999.36. (a) A counselor trainee may perform activities and services provided that the activities and services constitute part of the counselor trainee's supervised course of study and that the person is designated by the title "counselor trainee."

(b) All practicum and field study hours gained as a counselor trainee shall be coordinated between the school and the site where hours are being accrued. The school shall approve each site and shall have a written agreement with each site that details each party's responsibilities, including the methods by which supervision

1 shall be provided. The agreement shall provide for regular progress  
2 reports and evaluations of the student's performance at the site.

3 (c) If an applicant has gained practicum and field study hours  
4 while enrolled in an institution other than the one that confers the  
5 qualifying degree, it shall be the applicant's responsibility to  
6 provide to the board satisfactory evidence that those practicum  
7 and field study hours were gained in compliance with this section.

8 (d) A counselor trainee shall inform each client or patient, prior  
9 to performing any professional services, that he or she is unlicensed  
10 and under supervision.

11 (e) No hours earned while a counselor trainee may count toward  
12 the 3,000 hours of postdegree internship hours.

13 (f) A counselor trainee shall receive an average of at least one  
14 hour of direct supervisor contact for every five hours of client  
15 contact in each setting. For purposes of this subdivision, "one hour  
16 of direct supervisor contact" means one hour of face-to-face contact  
17 on an individual basis or two hours of face-to-face contact in a  
18 group of not more than eight persons in segments lasting no less  
19 than one continuous hour.

20 4999.40. (a) Each educational institution preparing applicants  
21 to qualify for licensure shall notify each of its students by means  
22 of its public documents or otherwise in writing that its degree  
23 program is designed to meet the requirements of Section 4999.32  
24 or 4999.33 and shall certify to the board that it has so notified its  
25 students.

26 (b) An applicant trained at an educational institution outside the  
27 United States shall demonstrate to the satisfaction of the board  
28 that he or she possesses a qualifying degree that is equivalent to a  
29 degree earned from an institution of higher education that is  
30 accredited or approved. These applicants shall provide the board  
31 with a comprehensive evaluation of the degree performed by a  
32 foreign credential evaluation service that is a member of the  
33 National Association of Credential Evaluation Services and shall  
34 provide any other documentation the board deems necessary.

35 4999.42. (a) To qualify for registration as an intern, an  
36 applicant shall have all of the following qualifications:

37 (1) The applicant shall have earned a master's or doctoral degree  
38 as specified in Section 4999.32 or 4999.33, as applicable. An  
39 applicant whose education qualifies him or her under Section

1 4999.32 shall also have completed the coursework or training  
2 specified in subdivision (e) of Section 4999.32.

3 (2) The applicant shall not have committed acts or crimes  
4 constituting grounds for denial of licensure under Section 480.

5 (3) The board shall not issue a registration to any person who  
6 has been convicted of a crime in this or another state or in a  
7 territory of the United States that involves sexual abuse of children  
8 or who is required to register pursuant to Section 290 of the Penal  
9 Code or the equivalent in another state or territory.

10 (b) The board shall begin accepting applications for intern  
11 registration on January 1, 2011.

12 4999.44. An intern may be credited with supervised experience  
13 completed in any setting that meets all of the following  
14 requirements:

15 (a) Lawfully and regularly provides mental health counseling  
16 or psychotherapy.

17 (b) Provides oversight to ensure that the intern's work at the  
18 setting meets the experience and supervision requirements set forth  
19 in this chapter and is within the scope of practice for the profession  
20 as specified in Article 2 (commencing with Section 4999.20).

21 (c) Experience may be gained by the intern solely as part of the  
22 position for which the intern volunteers or is employed.

23 (d) An intern shall not be employed or volunteer in a private  
24 practice until registered as an intern.

25 4999.45. An intern employed under this chapter shall:

26 (a) Not perform any duties, except for those services provided  
27 as a counselor trainee, until registered as an intern.

28 (b) Not be employed or volunteer in a private practice until  
29 registered as an intern.

30 (c) Inform each client prior to performing any professional  
31 services that he or she is unlicensed and under supervision.

32 (d) File for renewal annually for a maximum of five years after  
33 initial registration with the board.

34 (e) Cease continued employment as an intern after six years  
35 unless the requirements of subdivision (f) are met.

36 (f) When no further renewals are possible, an applicant may  
37 apply for and obtain a new intern registration if the applicant meets  
38 the educational requirements for registration in effect at the time  
39 of the application for a new intern registration. An applicant issued  
40 a subsequent intern registration pursuant to this subdivision may



1 be employed or volunteer in any allowable work setting except  
2 private practice.

3 4999.46. (a) Each applicant for licensure shall complete  
4 clinical mental health experience under the general supervision of  
5 an approved supervisor as defined in Section 4999.12.

6 (b) The experience shall include the following:

7 (1) A minimum of 3,000 postdegree hours of supervised clinical  
8 mental health experience related to the practice of professional  
9 clinical counseling, performed over a period of not less than two  
10 years (104 weeks) which shall include:

11 (A) Not more than 40 hours in any seven consecutive days.

12 (B) Not less than 1,750 hours of direct counseling with  
13 individuals or groups in a clinical mental health counseling setting  
14 using a variety of psychotherapeutic techniques and recognized  
15 counseling interventions within the scope of practice of licensed  
16 professional clinical counselors.

17 (C) Not less than 150 hours of clinical experience in a hospital  
18 or community mental health setting.

19 (D) Not more than 1,000 hours of direct supervisor contact and  
20 professional enrichment activities.

21 (E) Not more than 500 hours of experience providing group  
22 therapy or group counseling.

23 (F) Not more than 250 hours of experience administering and  
24 evaluating psychological tests of counselees, writing clinical  
25 reports, writing progress notes, or writing process notes.

26 (G) Not more than 250 hours of experience providing counseling  
27 or crisis counseling on the telephone.

28 (H) No hours of clinical mental health experience may be gained  
29 more than six years prior to the date the application for licensure  
30 was filed.

31 (c) An applicant shall register with the board as an intern in  
32 order to be credited for postdegree hours of experience toward  
33 licensure. Postdegree hours of experience shall be credited toward  
34 licensure, provided that the applicant applies for intern registration  
35 within 90 days of the granting of the qualifying degree and is  
36 registered as an intern by the board.

37 (d) All applicants and interns shall be at all times under the  
38 supervision of a supervisor who shall be responsible for ensuring  
39 that the extent, kind, and quality of counseling performed is  
40 consistent with the training and experience of the person being

1 supervised, and who shall be responsible to the board for  
2 compliance with all laws, rules, and regulations governing the  
3 practice of professional clinical counseling. At no time shall a  
4 supervisor supervise more than two interns.

5 (e) Supervision shall include at least one hour of direct  
6 supervisor contact in each week for which experience is credited  
7 in each work setting.

8 (1) No more than five hours of supervision, whether individual  
9 or group, shall be credited during any single week.

10 (2) An intern shall receive an average of at least one hour of  
11 direct supervisor contact for every 10 hours of client contact in  
12 each setting.

13 (3) For purposes of this section, “one hour of direct supervisor  
14 contact” means one hour of face-to-face contact on an individual  
15 basis or two hours of face-to-face contact in a group of not more  
16 than eight persons in segments lasting no less than one continuous  
17 hour.

18 (4) An intern working in a governmental entity, a school, a  
19 college, or a university, or an institution that is both nonprofit and  
20 charitable, may obtain up to 30 hours of the required weekly direct  
21 supervisor contact via two-way, real-time videoconferencing. The  
22 supervisor shall be responsible for ensuring that client  
23 confidentiality is upheld.

24 4999.47. (a) Counselor trainees, interns, and applicants shall  
25 perform services as an employee or as a volunteer, not as an  
26 independent contractor.

27 The requirements of this chapter regarding gaining hours of  
28 clinical mental health experience and supervision are applicable  
29 equally to employees and volunteers.

30 (b) Counselor trainees, interns, and applicants shall not receive  
31 any remuneration from patients or clients, and shall only be paid  
32 by their employers.

33 (c) While an intern may be either a paid employee or a volunteer,  
34 employers are encouraged to provide fair remuneration.

35 (d) Counselor trainees, interns, and applicants who provide  
36 voluntary services or other services, and who receive no more than  
37 a total, from all work settings, of five hundred dollars (\$500) per  
38 month as reimbursement for expenses actually incurred by those  
39 counselor trainees, interns, and applicants for services rendered in

1 any lawful work setting other than a private practice shall be  
2 considered an employee and not an independent contractor.

3 (e) The board may audit an intern or applicant who receives  
4 reimbursement for expenses and the intern or applicant shall have  
5 the burden of demonstrating that the payments received were for  
6 reimbursement of expenses actually incurred.

7 (f) Counselor trainees, interns, and applicants shall only perform  
8 services at the place where their employer regularly conducts  
9 business and services, which may include other locations, as long  
10 as the services are performed under the direction and control of  
11 the employer and supervisor in compliance with the laws and  
12 regulations pertaining to supervision. Counselor trainees, interns,  
13 and applicants shall have no proprietary interest in the employer's  
14 business.

15 (g) Each educational institution preparing applicants for  
16 licensure pursuant to this chapter shall consider requiring, and  
17 shall encourage, its students to undergo individual, marital or  
18 conjoint, family, or group counseling or psychotherapy, as  
19 appropriate. Each supervisor shall consider, advise, and encourage  
20 his or her interns and counselor trainees regarding the advisability  
21 of undertaking individual, marital or conjoint, family, or group  
22 counseling or psychotherapy, as appropriate. Insofar as it is deemed  
23 appropriate and is desired by the applicant, the educational  
24 institution and supervisors are encouraged to assist the applicant  
25 in locating that counseling or psychotherapy at a reasonable cost.

26 4999.48. The board shall adopt regulations regarding the  
27 supervision of interns which may include, but not be limited to,  
28 the following:

29 (a) Supervisor qualifications.

30 (b) Continuing education requirements of supervisors.

31 (c) Registration or licensing of supervisors, or both.

32 (d) General responsibilities of supervisors.

33 (e) The board's authority in cases of noncompliance or gross  
34 or repeated negligence by supervisors.

35 4999.50. (a) The board may issue a professional clinical  
36 counselor license to any person who meets all of the following  
37 requirements:

38 (1) He or she has received a master's or doctoral degree  
39 described in Section 4999.32 or 4999.33, as applicable.

1 (2) He or she has completed 3,000 hours of supervised  
2 experience in the practice of professional clinical counseling as  
3 provided in Section 4999.46.

4 (3) He or she provides evidence of a passing score, as  
5 determined by the board, on examinations approved by the board.

6 (b) An applicant who has satisfied the requirements of this  
7 chapter shall be issued a license as a professional clinical counselor  
8 in the form that the board may deem appropriate.

9 (c) The board shall begin accepting applications for licensure  
10 on January 1, 2012.

11 4999.51. Every applicant for a license as a professional clinical  
12 counselor shall meet the board's regulatory requirements for  
13 professional clinical counselor licensure, including the following:

14 (a) The applicant has not committed acts or crimes constituting  
15 grounds for denial of licensure under Section 480.

16 (b) The board shall not issue a license to any person who has  
17 been convicted of a crime in this or another state or in a territory  
18 of the United States that involves sexual abuse of children or who  
19 is required to register pursuant to Section 290 of the Penal Code  
20 or the equivalent in another state or territory.

21 (c) The applicant has successfully passed a state and federal  
22 level criminal offender record information search conducted  
23 through the Department of Justice, as follows:

24 (1) The board shall direct applicants to electronically submit to  
25 the Department of Justice fingerprint images and related  
26 information required by the Department of Justice for the purpose  
27 of obtaining information as to the existence and content of a record  
28 of state and federal level convictions and arrests and information  
29 as to the existence and content of a record of state or federal level  
30 arrests for which the Department of Justice establishes that the  
31 person is free on bail or on his or her own recognizance pending  
32 trial or appeal.

33 (2) The Department of Justice shall forward the fingerprint  
34 images and related information received pursuant to paragraph (1)  
35 to the Federal Bureau of Investigation and request a federal  
36 summary for criminal history information.

37 (3) The Department of Justice shall review the information  
38 returned from the Federal Bureau of Investigation and compile  
39 and disseminate a response to the board pursuant to paragraph (1)  
40 of subdivision (p) of Section 11105 of the Penal Code.

1 (4) The board shall request from the Department of Justice  
2 subsequent arrest notification service, pursuant to Section 11105.2  
3 of the Penal Code, for each person who submitted information  
4 pursuant to paragraph (1).

5 (5) The Department of Justice shall charge a fee sufficient to  
6 cover the cost of processing the request described in this section.

7 4999.52. (a) Except as provided in Sections 4999.54 and  
8 4999.56, every applicant for a license as a professional clinical  
9 counselor shall be examined by the board. The board shall examine  
10 the candidate with regard to his or her knowledge and professional  
11 skills and his or her judgment in the utilization of appropriate  
12 techniques and methods.

13 (b) The examinations shall be given at least twice a year at a  
14 time and place and under supervision as the board may determine.

15 (c) (1) It is the intent of the Legislature that national licensing  
16 examinations, such as the National Counselor Examination for  
17 Licensure and Certification (NCE) and the National Clinical Mental  
18 Health Counselor Examination (NCMHCE), be evaluated by the  
19 board as requirements for licensure as a professional clinical  
20 counselor.

21 (2) The board shall evaluate various national examinations in  
22 order to determine whether they meet the prevailing standards for  
23 the validation and use of licensing and certification tests in  
24 California.

25 (3) The Department of Consumer Affairs' Office of Examination  
26 Resources shall review the occupational analysis that was used for  
27 developing the national examinations in order to determine if it  
28 adequately describes the licensing group and adequately determines  
29 the tasks, knowledge, skills, and abilities the licensed professional  
30 clinical counselor would need to perform the functions under this  
31 chapter.

32 (4) Examinations shall measure knowledge and abilities  
33 demonstrably important to the safe, effective practice of the  
34 profession.

35 (5) If national examinations do not meet the standards specified  
36 in paragraph (2), then the board may develop and require a  
37 supplemental examination in addition to national examinations.  
38 Under these circumstances, national examinations, as well as a  
39 supplemental examination developed by the board, are required

1 for licensure as a professional clinical counselor pursuant to  
2 paragraph (3) of subdivision (a) of Section 4999.50 and this section.

3 (6) The licensing examinations shall also incorporate a  
4 California jurisprudence and ethics examination element that is  
5 acceptable to the board, or, as an alternative, the board may develop  
6 a separate California jurisprudence and ethics examination.

7 (d) The board shall not deny any applicant who has submitted  
8 a complete application for examination admission to the licensure  
9 examinations required by this section if the applicant meets the  
10 educational and experience requirements of this chapter, and has  
11 not committed any acts or engaged in any conduct that would  
12 constitute grounds to deny licensure.

13 (e) The board shall not deny any applicant whose application  
14 for licensure is complete, admission to the examinations, nor shall  
15 the board postpone or delay any applicant's examinations or delay  
16 informing the candidate of the results of the examinations, solely  
17 upon the receipt by the board of a complaint alleging acts or  
18 conduct that would constitute grounds to deny licensure.

19 (f) If an applicant for examination is the subject of a complaint  
20 or is under board investigation for acts or conduct that, if proven  
21 to be true, would constitute grounds for the board to deny licensure,  
22 the board shall permit the applicant to take the examinations, but  
23 may notify the applicant that licensure will not be granted pending  
24 completion of the investigation.

25 (g) Notwithstanding Section 135, the board may deny any  
26 applicant who has previously failed an examination permission to  
27 retake that examination pending completion of the investigation  
28 of any complaints against the applicant.

29 (h) Nothing in this section shall prohibit the board from denying  
30 an applicant admission to any examination, withholding the results,  
31 or refusing to issue a license to any applicant when an accusation  
32 or statement of issues has been filed against the applicant pursuant  
33 to Section 11503 or 11504 of the Government Code, respectively,  
34 or the applicant has been denied in accordance with subdivision  
35 (b) of Section 485.

36 (i) Notwithstanding any other provision of law, the board may  
37 destroy all examination materials two years following the date of  
38 an examination.

39 4999.54. Notwithstanding Section 4999.50, the board may  
40 issue a license to any person who submits an application for a

1 license between January 1, 2011, and June 30, 2011, provided that  
2 all documentation is submitted within 12 months of the board's  
3 evaluation of the application, and provided he or she meets one of  
4 the following sets of criteria:

5 (a) He or she meets all of the following requirements:

6 (1) Has a master's or doctoral degree from a school, college, or  
7 university as specified in Section 4999.32, that is counseling or  
8 psychotherapy in content. If the person's degree does not include  
9 all the graduate coursework in all nine core content areas as  
10 required by paragraph (1) of subdivision (c) of Section 4999.32,  
11 a person shall provide documentation that he or she has completed  
12 the required coursework prior to licensure pursuant to this chapter.  
13 A qualifying degree must include the supervised practicum or field  
14 study experience as required in paragraph (3) of subdivision (c)  
15 of Section 4999.32.

16 (A) A counselor educator whose degree contains at least seven  
17 of the nine required core content areas shall be given credit for  
18 coursework not contained in the degree if the counselor educator  
19 provides documentation that he or she has taught the equivalent  
20 of the required core content areas in a graduate program in  
21 counseling or a related area.

22 (B) Degrees issued prior to 1996 shall include a minimum of  
23 30 semester units or 45 quarter units and at least six of the nine  
24 required core content areas specified in paragraph (1) of subdivision  
25 (c) of Section 4999.32. The total number of units shall be no less  
26 than 48 semester units or 72 quarter units.

27 (C) Degrees issued in 1996 and after shall include a minimum  
28 of 48 semester units or 72 quarter units and at least seven of the  
29 nine core areas specified in paragraph (1) of subdivision (c) of  
30 Section 4999.32.

31 (2) Has completed all of the coursework or training specified  
32 in subdivision (e) of Section 4999.32.

33 (3) Has at least two years, full-time or the equivalent, postdegree  
34 counseling experience, that includes at least 1,700 hours of  
35 experience in a clinical setting supervised by a licensed marriage  
36 and family therapist, a licensed clinical social worker, a licensed  
37 psychologist, a licensed physician and surgeon specializing in  
38 psychiatry, or a master's level counselor or therapist who is  
39 certified by a national certifying or registering organization,  
40 including, but not limited to, the National Board for Certified

1 Counselors or the Commission on Rehabilitation Counselor  
2 Certification.

3 (4) Has a passing score on the following examinations:

4 (A) The National Counselor Examination for Licensure and  
5 Certification or the Certified Rehabilitation Counselor  
6 Examination.

7 (B) The National Clinical Mental Health Counselor  
8 Examination.

9 (C) A California jurisprudence and ethics examination, when  
10 developed by the board.

11 (b) Is currently licensed as a marriage and family therapist in  
12 the State of California, meets the coursework requirements  
13 described in paragraph (1) of subdivision (a), and meets at least  
14 one of the following requirements:

15 (1) Has a passing score on the examinations described in  
16 paragraph (4) of subdivision (a).

17 (2) Has passed the standard written examination described in  
18 subdivision (c) of Section 4980.50 and either the oral examination  
19 or the clinical vignette written examination described in subdivision  
20 (g) of Section 4980.40.

21 (3) Has passed any other equivalent examinations acceptable  
22 to the board.

23 (c) Is currently licensed as a clinical social worker in the State  
24 of California, meets the coursework requirements described in  
25 paragraph (1) of subdivision (a), and meets at least one of the  
26 following requirements:

27 (1) Has a passing score on the examinations described in  
28 paragraph (4) of subdivision (a).

29 (2) Has passed the standard written examination and the clinical  
30 vignette written examination required pursuant to Article 4  
31 (commencing with Section 4996).

32 (3) Has passed any other equivalent examinations acceptable  
33 to the board.

34 4999.56. (a) A license issued under subdivision (a) of Section  
35 4999.54 shall be valid for six years from the issuance date of the  
36 initial license provided that the license is annually renewed during  
37 that period pursuant to Section 4999.101. After this six-year period,  
38 it shall be canceled unless the licensee does both of the following  
39 within the next renewal period:

40 (1) Obtains a licensure renewal as provided in Section 4999.101.



1 (2) Passes the examinations required for licensure on or after  
2 January 1, 2012, as set forth in Section 4999.52, or documents that  
3 he or she has already passed those examinations.

4 (b) Upon failure to meet the requirements set forth in this  
5 section, a license issued pursuant to subdivision (a) of Section  
6 4999.54 shall be canceled and the person shall be required to meet  
7 the requirements listed in Section 4999.50 to obtain a new license.

8 (c) This section shall remain in effect only until January 1, 2018,  
9 and as of that date is repealed, unless a later enacted statute, that  
10 is enacted before January 1, 2018, deletes or extends that date.

11 4999.58. (a) This section applies to persons who apply for  
12 licensure between January 1, 2012, and December 31, 2013,  
13 inclusive.

14 (b) The board may issue a license to a person who, at the time  
15 of application, has held for at least two years, a valid license as a  
16 professional clinical counselor, or an equivalent title, in another  
17 jurisdiction of the United States, if the education and supervised  
18 experience requirements are substantially the equivalent of this  
19 chapter, the person complies with subdivision (b) of Section  
20 4999.40, if applicable, the person successfully completes the  
21 examinations required by the board pursuant to paragraph (3) of  
22 subdivision (a) of Section 4999.50, and the person pays the required  
23 fees.

24 (c) Experience gained outside of California shall be accepted  
25 toward the licensure requirements if it is substantially equivalent  
26 to that required by this chapter and if the applicant has gained a  
27 minimum of 250 hours of supervised clinical experience in direct  
28 counseling within California while registered as an intern with the  
29 board. The board shall consider hours of experience obtained in  
30 another state during the six-year period immediately preceding the  
31 applicant's initial licensure by that state as a licensed professional  
32 clinical counselor.

33 (d) Education gained while residing outside of California shall  
34 be accepted toward the licensure requirements if it is substantially  
35 equivalent to the education requirements of this chapter, if the  
36 applicant has completed the training or coursework required under  
37 subdivision (e) of Section 4999.32, and if the applicant completes,  
38 in addition to the course described in subparagraph (I) of paragraph  
39 (1) of subdivision (c) of Section 4999.32, an 18-hour course in  
40 California law and professional ethics that includes, but is not

1 limited to, instruction in advertising, scope of practice, scope of  
2 competence, treatment of minors, confidentiality, dangerous clients,  
3 psychotherapist-client privilege, recordkeeping, client access to  
4 records, the Health Insurance Portability and Accountability Act,  
5 dual relationships, child abuse, elder and dependent adult abuse,  
6 online therapy, insurance reimbursement, civil liability, disciplinary  
7 actions and unprofessional conduct, ethics complaints and ethical  
8 standards, termination of therapy, standards of care, relevant family  
9 law, and therapist disclosures to clients.

10 (e) For purposes of this section, the board may, in its discretion,  
11 accept education as substantially equivalent if the applicant's  
12 education meets the requirements of Section 4999.32. If the  
13 applicant's degree does not contain the content or the overall units  
14 required by Section 4999.32, the board may, in its discretion, accept  
15 the applicant's education as substantially equivalent if the following  
16 criteria are satisfied:

17 (1) The applicant's degree contains the required number of  
18 practicum units under paragraph (3) of subdivision (c) of Section  
19 4999.32.

20 (2) The applicant remediates his or her specific deficiency by  
21 completing the course content and units required by Section  
22 4999.32.

23 (3) The applicant's degree otherwise complies with this section.

24 (f) This section shall become inoperative on January 1, 2014,  
25 and as of that date is repealed, unless a later enacted statute, which  
26 is enacted before January 1, 2014, deletes or extends that date.

27 4999.60. (a) This section applies to persons who are licensed  
28 outside of California and apply for licensure on or after January  
29 1, 2014.

30 (b) The board may issue a license to a person who, at the time  
31 of submitting an application for a license pursuant to this chapter,  
32 holds a valid license as a professional clinical counselor, or an  
33 equivalent title, in another jurisdiction of the United States if all  
34 of the following conditions are satisfied:

35 (1) The applicant's education is substantially equivalent, as  
36 defined in Section 4999.62.

37 (2) The applicant complies with subdivision (b) of Section  
38 4999.40, if applicable.

39 (3) The applicant's supervised experience is substantially  
40 equivalent to that required for a license under this chapter. The

board shall consider hours of experience obtained outside of California during the six-year period immediately preceding the date the applicant initially obtained the license described above.

(4) The applicant passes the examinations required to obtain a license under this chapter.

4999.61. (a) This section applies to persons who apply for licensure or registration on or after January 1, 2014, and who do not hold a license as described in Section 4999.60.

(b) The board shall accept education gained while residing outside of California for purposes of satisfying licensure or registration requirements if the education is substantially equivalent, as defined in Section 4999.62, and the applicant complies with subdivision (b) of Section 4999.40, if applicable.

(c) The board shall accept experience gained outside of California for purposes of satisfying licensure or registration requirements if the experience is substantially equivalent to that required by this chapter.

4999.62. (a) This section applies to persons who apply for licensure or registration on or after January 1, 2014.

(b) For purposes of Sections 4999.60 and 4999.61, education is substantially equivalent if all of the following requirements are met:

(1) The degree is obtained from an accredited or approved institution, as defined in Section 4999.12, and consists of, at a minimum, 48 semester or 72 quarter units, including, but not limited to, both of the following:

(A) Six semester or nine quarter units of practicum, including, but not limited to, a minimum of 280 hours of face-to-face counseling.

(B) The required areas of study listed in subparagraphs (A) to (M), inclusive, of paragraph (1) of subdivision (c) of Section 4999.33.

(2) The applicant completes any units and course content requirements under Section 4999.33 not already completed in his or her education.

(3) The applicant completes credit level coursework from a degree-granting institution that provides all of the following:

(A) Instruction regarding the principles of mental health recovery-oriented care and methods of service delivery in recovery model practice environments.

1 (B) An understanding of various California cultures and the  
2 social and psychological implications of socioeconomic position.

3 (C) Structured meeting with various consumers and family  
4 members of consumers of mental health services to enhance  
5 understanding of their experience of mental illness, treatment, and  
6 recovery.

7 (D) Instruction in behavioral addiction and co-occurring  
8 substance abuse and mental health disorders, as specified in  
9 subparagraph (K) of paragraph (1) of subdivision (c) of Section  
10 4999.33.

11 (4) The applicant completes, in addition to the course described  
12 in subparagraph (I) of paragraph (1) of subdivision (c) of Section  
13 4999.33, an 18-hour course in California law and professional  
14 ethics that includes, but is not limited to, instruction in advertising,  
15 scope of practice, scope of competence, treatment of minors,  
16 confidentiality, dangerous clients, psychotherapist-client privilege,  
17 recordkeeping, client access to records, the Health Insurance  
18 Portability and Accountability Act, dual relationships, child abuse,  
19 elder and dependent adult abuse, online therapy, insurance  
20 reimbursement, civil liability, disciplinary actions and  
21 unprofessional conduct, ethics complaints and ethical standards,  
22 termination of therapy, standards of care, relevant family law, and  
23 therapist disclosures to clients.

#### 24 Article 4. Practice Requirements

25 4999.70. A licensee shall display his or her license in a  
26 conspicuous place in his or her primary place of practice.

27 4999.72. Any licensed professional clinical counselor who  
28 conducts a private practice under a fictitious business name shall  
29 not use any name that is false, misleading, or deceptive, and shall  
30 inform the patient, prior to the commencement of treatment, the  
31 name and license designation of the owner or owners of the  
32 practice.

33 4999.74. Licensed professional clinical counselors shall provide  
34 to each client accurate information about the counseling  
35 relationship and the counseling process.

36 4999.76. (a) (1) Except as provided in paragraph (2) and  
37 subdivision (c), the board shall not renew any license pursuant to  
38 this chapter unless the applicant certifies to the board, on a form  
39  
40

1 prescribed by the board, that he or she has completed not less than  
2 36 hours of approved continuing education in or relevant to the  
3 field of professional clinical counseling in the preceding two years,  
4 as determined by the board.

5 (2) Except as provided in subdivision (c), the board shall not  
6 renew a license issued pursuant to subdivision (a) of Section  
7 4999.54 unless the applicant certifies to the board, on a form  
8 prescribed by the board, that he or she has completed not less than  
9 18 hours of approved continuing education in or relevant to the  
10 field of professional clinical counseling in the preceding year, as  
11 determined by the board. This paragraph shall become inoperative  
12 on January 1, 2018.

13 (b) The board shall have the right to audit the records of any  
14 applicant to verify the completion of the continuing education  
15 requirement. Applicants shall maintain records of completed  
16 continuing education coursework for a minimum of two years and  
17 shall make these records available to the board for auditing  
18 purposes upon request.

19 (c) The board may establish exceptions from the continuing  
20 education requirement of this section for good cause, as defined  
21 by the board.

22 (d) The continuing education shall be obtained from one of the  
23 following sources:

24 (1) A school, college, or university that is accredited or  
25 approved, as defined in Section 4999.12. Nothing in this paragraph  
26 shall be construed as requiring coursework to be offered as part  
27 of a regular degree program.

28 (2) Other continuing education providers, including, but not  
29 limited to, a professional clinical counseling association, a licensed  
30 health facility, a governmental entity, a continuing education unit  
31 of a four-year institution of higher learning that is accredited or  
32 approved, or a mental health professional association, approved  
33 by the board.

34 (e) The board shall establish, by regulation, a procedure for  
35 approving providers of continuing education courses, and all  
36 providers of continuing education, as described in paragraphs (1)  
37 and (2) of subdivision (d), shall adhere to procedures established  
38 by the board. The board may revoke or deny the right of a provider  
39 to offer continuing education coursework pursuant to this section

1 for failure to comply with the requirements of this section or any  
2 regulation adopted pursuant to this section.

3 (f) Training, education, and coursework by approved providers  
4 shall incorporate one or more of the following:

5 (1) Aspects of the discipline that are fundamental to the  
6 understanding or the practice of professional clinical counseling.

7 (2) Significant recent developments in the discipline of  
8 professional clinical counseling.

9 (3) Aspects of other disciplines that enhance the understanding  
10 or the practice of professional clinical counseling.

11 (g) A system of continuing education for licensed professional  
12 clinical counselors shall include courses directly related to the  
13 diagnosis, assessment, and treatment of the client population being  
14 served.

15 (h) The board shall, by regulation, fund the administration of  
16 this section through continuing education provider fees to be  
17 deposited in the Behavioral Sciences Fund. The fees related to the  
18 administration of this section shall be sufficient to meet, but shall  
19 not exceed, the costs of administering the corresponding provisions  
20 of this section. For the purposes of this subdivision, a provider of  
21 continuing education as described in paragraph (1) of subdivision  
22 (d) shall be deemed to be an approved provider.

23 (i) The continuing education requirements of this section shall  
24 fully comply with the guidelines for mandatory continuing  
25 education established by the Department of Consumer Affairs  
26 pursuant to Section 166.

## 27 Article 5. Enforcement

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30 4999.80. In order to carry out the provisions of this chapter,  
31 the board shall do all of the following:

32 (a) Enforce laws designed to protect the public from  
33 incompetent, unethical, or unprofessional practitioners.

34 (b) Investigate complaints concerning the conduct of any  
35 licensed professional clinical counselor.

36 (c) Revoke, suspend, or fail to renew a license that it has  
37 authority to issue for just cause, as enumerated in rules and  
38 regulations of the board. The board may deny, suspend, or revoke  
39 any license granted under this chapter pursuant to Section 480,  
40 481, 484, 496, 498, or 499.

1     4999.82. It shall be unlawful for any person to engage in any  
2 of the following acts:

3     (a) Engage in the practice of professional clinical counseling,  
4 as defined in Section 4999.20, without first having complied with  
5 the provisions of this chapter and without holding a valid license  
6 as required by this chapter.

7     (b) Represent himself or herself by the title “licensed  
8 professional clinical counselor,” “LPCC,” “licensed clinical  
9 counselor,” or “professional clinical counselor” without being duly  
10 licensed according to the provisions of this chapter.

11     (c) Make any use of any title, words, letters, or abbreviations,  
12 that may reasonably be confused with a designation provided by  
13 this chapter to denote a standard of professional or occupational  
14 competence without being duly licensed.

15     (d) Materially refuse to furnish the board information or records  
16 required or requested pursuant to this chapter.

17     4999.84. It is the intent of the Legislature that any  
18 communication made by a person to a licensed professional clinical  
19 counselor in the course of professional services shall be deemed  
20 a privileged communication.

21     4999.86. Any person who violates any of the provisions of this  
22 chapter is guilty of a misdemeanor punishable by imprisonment  
23 in the county jail not exceeding six months, or by a fine not  
24 exceeding two thousand five hundred dollars (\$2,500), or by both  
25 that fine and imprisonment.

26     4999.88. In addition to other proceedings provided in this  
27 chapter, whenever any person has engaged, or is about to engage,  
28 in any acts or practices that constitute, or will constitute, an offense  
29 against this chapter, the superior court in and for the county  
30 wherein the acts or practices take place, or are about to take place,  
31 may issue an injunction, or other appropriate order, restraining  
32 such conduct on application of the board, the Attorney General,  
33 or the district attorney of the county.

34     The proceedings under this section shall be governed by Chapter  
35 3 (commencing with Section 525) of Title 7 of Part 2 of the Code  
36 of Civil Procedure.

37     4999.90. The board may refuse to issue any registration or  
38 license, or may suspend or revoke the registration or license of  
39 any intern or licensed professional clinical counselor, if the  
40 applicant, licensee, or registrant has been guilty of unprofessional

1 conduct. Unprofessional conduct includes, but is not limited to,  
2 the following:

3 (a) The conviction of a crime substantially related to the  
4 qualifications, functions, or duties of a licensee or registrant under  
5 this chapter. The record of conviction shall be conclusive evidence  
6 only of the fact that the conviction occurred. The board may inquire  
7 into the circumstances surrounding the commission of the crime  
8 in order to fix the degree of discipline or to determine if the  
9 conviction is substantially related to the qualifications, functions,  
10 or duties of a licensee or registrant under this chapter. A plea or  
11 verdict of guilty or a conviction following a plea of nolo contendere  
12 made to a charge substantially related to the qualifications,  
13 functions, or duties of a licensee or registrant under this chapter  
14 shall be deemed to be a conviction within the meaning of this  
15 section. The board may order any license or registration suspended  
16 or revoked, or may decline to issue a license or registration when  
17 the time for appeal has elapsed, or the judgment of conviction has  
18 been affirmed on appeal, or, when an order granting probation is  
19 made suspending the imposition of sentence, irrespective of a  
20 subsequent order under Section 1203.4 of the Penal Code allowing  
21 the person to withdraw a plea of guilty and enter a plea of not  
22 guilty, or setting aside the verdict of guilty, or dismissing the  
23 accusation, information, or indictment.

24 (b) Securing a license or registration by fraud, deceit, or  
25 misrepresentation on any application for licensure or registration  
26 submitted to the board, whether engaged in by an applicant for a  
27 license or registration, or by a licensee in support of any application  
28 for licensure or registration.

29 (c) Administering to himself or herself any controlled substance  
30 or using any of the dangerous drugs specified in Section 4022, or  
31 any alcoholic beverage to the extent, or in a manner, as to be  
32 dangerous or injurious to the person applying for a registration or  
33 license or holding a registration or license under this chapter, or  
34 to any other person, or to the public, or, to the extent that the use  
35 impairs the ability of the person applying for or holding a  
36 registration or license to conduct with safety to the public the  
37 practice authorized by the registration or license, or the conviction  
38 of more than one misdemeanor or any felony involving the use,  
39 consumption, or self-administration of any of the substances  
40 referred to in this subdivision, or any combination thereof. The



1 board shall deny an application for a registration or license or  
2 revoke the license or registration of any person, other than one  
3 who is licensed as a physician and surgeon, who uses or offers to  
4 use drugs in the course of performing licensed professional clinical  
5 counseling services.

6 (d) Gross negligence or incompetence in the performance of  
7 licensed professional clinical counseling services.

8 (e) Violating, attempting to violate, or conspiring to violate any  
9 of the provisions of this chapter or any regulation adopted by the  
10 board.

11 (f) Misrepresentation as to the type or status of a license or  
12 registration held by the person, or otherwise misrepresenting or  
13 permitting misrepresentation of his or her education, professional  
14 qualifications, or professional affiliations to any person or entity.

15 (g) Impersonation of another by any licensee, registrant, or  
16 applicant for a license or registration, or, in the case of a licensee  
17 or registrant, allowing any other person to use his or her license  
18 or registration.

19 (h) Aiding or abetting, or employing, directly or indirectly, any  
20 unlicensed or unregistered person to engage in conduct for which  
21 a license or registration is required under this chapter.

22 (i) Intentionally or recklessly causing physical or emotional  
23 harm to any client.

24 (j) The commission of any dishonest, corrupt, or fraudulent act  
25 substantially related to the qualifications, functions, or duties of a  
26 licensee or registrant.

27 (k) Engaging in sexual relations with a client, or a former client  
28 within two years following termination of therapy, soliciting sexual  
29 relations with a client, or committing an act of sexual abuse, or  
30 sexual misconduct with a client, or committing an act punishable  
31 as a sexually related crime, if that act or solicitation is substantially  
32 related to the qualifications, functions, or duties of a licensed  
33 professional clinical counselor.

34 (l) Performing, or holding oneself out as being able to perform,  
35 or offering to perform, or permitting any counselor trainee or intern  
36 under supervision to perform, any professional services beyond  
37 the scope of the license authorized by this chapter.

38 (m) Failure to maintain confidentiality, except as otherwise  
39 required or permitted by law, of all information that has been  
40 received from a client in confidence during the course of treatment

1 and all information about the client which is obtained from tests  
2 or other means.

3 (n) Prior to the commencement of treatment, failing to disclose  
4 to the client or prospective client the fee to be charged for the  
5 professional services, or the basis upon which that fee will be  
6 computed.

7 (o) Paying, accepting, or soliciting any consideration,  
8 compensation, or remuneration, whether monetary or otherwise,  
9 for the referral of professional clients. All consideration,  
10 compensation, or remuneration shall be in relation to professional  
11 clinical counseling services actually provided by the licensee.  
12 Nothing in this subdivision shall prevent collaboration among two  
13 or more licensees in a case or cases. However, no fee shall be  
14 charged for that collaboration, except when disclosure of the fee  
15 has been made in compliance with subdivision (n).

16 (p) Advertising in a manner that is false, misleading, or  
17 deceptive.

18 (q) Reproduction or description in public, or in any publication  
19 subject to general public distribution, of any psychological test or  
20 other assessment device, the value of which depends in whole or  
21 in part on the naivete of the subject, in ways that might invalidate  
22 the test or device.

23 (r) Any conduct in the supervision of any intern or counselor  
24 trainee by any licensee that violates this chapter or any rules or  
25 regulations adopted by the board.

26 (s) Performing or holding oneself out as being able to perform  
27 professional services beyond the scope of one's competence, as  
28 established by one's education, training, or experience. This  
29 subdivision shall not be construed to expand the scope of the  
30 license authorized by this chapter.

31 (t) Permitting a counselor trainee or intern under one's  
32 supervision or control to perform, or permitting the counselor  
33 trainee or intern to hold himself or herself out as competent to  
34 perform, professional services beyond the counselor trainee's or  
35 intern's level of education, training, or experience.

36 (u) The violation of any statute or regulation of the standards  
37 of the profession, and the nature of the services being rendered,  
38 governing the gaining and supervision of experience required by  
39 this chapter.

1 (v) Failure to keep records consistent with sound clinical  
2 judgment, the standards of the profession, and the nature of the  
3 services being rendered.

4 (w) Failure to comply with the child abuse reporting  
5 requirements of Section 11166 of the Penal Code.

6 (x) Failing to comply with the elder and dependent adult abuse  
7 reporting requirements of Section 15630 of the Welfare and  
8 Institutions Code.

9 (y) Repeated acts of negligence.

10 (z) (1) Engaging in an act described in Section 261, 286, 288a,  
11 or 289 of the Penal Code with a minor or an act described in  
12 Section 288 or 288.5 of the Penal Code regardless of whether the  
13 act occurred prior to or after the time the registration or license  
14 was issued by the board. An act described in this subdivision  
15 occurring prior to the effective date of this subdivision shall  
16 constitute unprofessional conduct and shall subject the licensee to  
17 refusal, suspension, or revocation of a license under this section.

18 (2) The Legislature hereby finds and declares that protection of  
19 the public, and in particular minors, from sexual misconduct by a  
20 licensee is a compelling governmental interest, and that the ability  
21 to suspend or revoke a license for sexual conduct with a minor  
22 occurring prior to the effective date of this section is equally  
23 important to protecting the public as is the ability to refuse a license  
24 for sexual conduct with a minor occurring prior to the effective  
25 date of this section.

## 26 Article 6. Revenue

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29 4999.100. (a) An intern registration shall expire one year from  
30 the last day of the month in which it was issued.

31 (b) To renew a registration, the registrant shall, on or before the  
32 expiration date of the registration, do the following:

33 (1) Apply for a renewal on a form prescribed by the board.

34 (2) Pay a renewal fee prescribed by the board.

35 (3) Notify the board whether he or she has been convicted, as  
36 defined in Section 490, of a misdemeanor or felony, or whether  
37 any disciplinary action has been taken by any regulatory or  
38 licensing board in this or any other state, subsequent to the  
39 registrant's last renewal.

1 4999.101. (a) A license issued under subdivision (a) of Section  
2 4999.54 shall expire one year from the last day of the month during  
3 which it was issued.

4 (b) To renew an unexpired license described in subdivision (a),  
5 the licensee, on or before the expiration date of the license, shall  
6 do all of the following:

7 (1) Apply for renewal on a form prescribed by the board.

8 (2) Pay a renewal fee prescribed by the board.

9 (3) Certify compliance with the continuing education  
10 requirements set forth in Section 4999.76.

11 (4) Notify the board whether he or she has been convicted, as  
12 defined in Section 490, of a misdemeanor or felony, or whether  
13 any disciplinary action has been taken by any regulatory or  
14 licensing board in this or any other state, subsequent to the  
15 licensee's last renewal.

16 (c) The board shall begin accepting applications for licensure  
17 renewal on January 1, 2012.

18 (d) If a license issued under subdivision (a) of Section 4999.54  
19 is not renewed on or before the expiration date of the license, the  
20 license shall be canceled and the person shall be required to meet  
21 the requirements set forth in Section 4999.50 in order to obtain a  
22 new license.

23 (e) This section shall remain in effect only until January 1, 2018,  
24 and as of that date is repealed, unless a later enacted statute, that  
25 is enacted before January 1, 2018, deletes or extends that date.

26 4999.102. (a) Licenses issued under Section 4999.50,  
27 subdivision (b) or (c) of Section 4999.54, subdivision (b) of Section  
28 4999.58, or Section 4999.60 and, on and after January 1, 2018,  
29 licenses issued under subdivision (a) of Section 4999.54 shall  
30 expire no more than 24 months after the issue date. The expiration  
31 date of the original license shall be set by the board.

32 (b) To renew an unexpired license described in subdivision (a),  
33 the licensee, on or before the expiration date of the license, shall  
34 do all of the following:

35 (1) Apply for a renewal on a form prescribed by the board.

36 (2) Pay a two-year renewal fee prescribed by the board.

37 (3) Certify compliance with the continuing education  
38 requirements set forth in Section 4999.76.

39 (4) Notify the board whether he or she has been convicted, as  
40 defined in Section 490, of a misdemeanor or felony, or whether

1 any disciplinary action has been taken by any regulatory or  
2 licensing board in this or any other state, subsequent to the  
3 licensee's last renewal.

4 4999.104. Licenses issued under Section 4999.50, subdivision  
5 (b) or (c) of Section 4999.54, subdivision (b) of Section 4999.58,  
6 or Section 4999.60 and, on and after January 1, 2018, licenses  
7 issued under subdivision (a) of Section 4999.54 that have expired  
8 may be renewed at any time within three years of expiration. To  
9 renew an expired license described in this section, the licensee  
10 shall do all of the following:

11 (a) File an application for renewal on a form prescribed by the  
12 board.

13 (b) Pay all fees that would have been paid if the license had not  
14 become delinquent.

15 (c) Pay all delinquency fees.

16 (d) Certify compliance with the continuing education  
17 requirements set forth in Section 4999.76.

18 (e) Notify the board whether he or she has been convicted, as  
19 defined in Section 490, of a misdemeanor or felony, or whether  
20 any disciplinary action has been taken by any regulatory or  
21 licensing board in this or any other state, subsequent to the  
22 licensee's last renewal.

23 4999.106. A license that is not renewed within three years after  
24 its expiration may not be renewed, restored, reinstated, or reissued,  
25 except that a former licensee may apply for and obtain a new  
26 license if he or she complies with all of the following:

27 (a) No fact, circumstance, or condition exists that, if the license  
28 were issued, would justify its revocation or suspension.

29 (b) He or she takes and passes the current examinations required  
30 for licensing.

31 (c) He or she submits an application for initial licensure.

32 4999.108. A suspended license is subject to expiration and  
33 shall be renewed as provided in this article, but that renewal does  
34 not entitle the licensee, while it remains suspended and until it is  
35 reinstated, to engage in the activity to which the license relates, or  
36 in any other activity or conduct in violation of the order or  
37 judgment by which it was suspended.

38 4999.110. A revoked license is subject to expiration as provided  
39 in this article, but it may not be renewed. If it is reinstated after its  
40 expiration, the licensee shall, as a condition precedent to its

1 reinstatement, pay a reinstatement fee in an amount equal to the  
2 renewal fee in effect on the last regular renewal date before the  
3 date on which it is reinstated, plus the delinquency fee, if any,  
4 accrued at the time of its revocation.

5 4999.112. (a) A licensed professional clinical counselor may  
6 apply to the board to request that his or her license be placed on  
7 inactive status. A licensee who holds an inactive license shall do  
8 all of the following:

- 9 (1) Pay a biennial fee of one-half of the active renewal fee.  
10 (2) Be exempt from continuing education requirements.  
11 (3) Not engage in the practice of professional clinical counseling  
12 in this state.  
13 (4) Otherwise be subject to this chapter.

14 (b) A licensee on inactive status may have his or her license  
15 reactivated by complying with all of the following:

- 16 (1) Submitting a request to the board.  
17 (2) Certifying that he or she has not committed any acts or  
18 crimes constituting grounds for denial of licensure.  
19 (3) Paying the remaining one-half of the renewal fee.  
20 (4) Completing the following continuing education requirements:  
21 (A) Eighteen hours of continuing education is required within  
22 the two years preceding the date of the request for reactivation if  
23 the license will expire less than one year from the date of the  
24 request for reactivation.

25 (B) Thirty-six hours of continuing education is required within  
26 the two years preceding the date of the request for reactivation if  
27 the license will expire more than one year from the date of the  
28 request for reactivation.

29 4999.114. The board shall report each month to the Controller  
30 the amount and source of all revenue received pursuant to this  
31 chapter and at the same time deposit the entire amount thereof in  
32 the State Treasury for credit to the Behavioral Sciences Fund.

33 4999.116. (a) The moneys credited to the Behavioral Sciences  
34 Fund under Section 4999.114 shall, upon appropriation by the  
35 Legislature, be used for the purposes of carrying out and enforcing  
36 the provisions of this chapter.

37 (b) The board shall keep records that will reasonably ensure  
38 that funds expended in the administration of each licensing or  
39 registration category bear a reasonable relation to the revenue

1 derived from each category, and shall so notify the department no  
2 later than May 31 of each year.

3 (c) Surpluses, if any, may be used in a way so as to bear a  
4 reasonable relation to the revenue derived from each category, and  
5 may include, but not be limited to, expenditures for education and  
6 research related to each of the licensing or registration categories.

7 4999.118. A licensee or registrant shall give written notice to  
8 the board of a name change within 30 days after each change,  
9 giving both the old and new names. A copy of the legal document  
10 authorizing the name change, such as a court order or marriage  
11 certificate, shall be submitted with the notice.

12 4999.120. The board shall assess fees for the application for  
13 and the issuance and renewal of licenses and for the registration  
14 of interns to cover administrative and operating expenses of the  
15 board related to this chapter. Fees assessed pursuant to this section  
16 shall not exceed the following:

17 (a) The fee for the application for an initial license shall be up  
18 to one hundred eighty dollars (\$180).

19 (b) The fee for the jurisprudence and ethics examination required  
20 by Section 4999.54 shall be up to one hundred dollars (\$100).

21 (c) The fee for the written examination shall be up to two  
22 hundred fifty dollars (\$250).

23 (d) The fee for the issuance of an initial license shall be up to  
24 two hundred dollars (\$200).

25 (e) The fee for annual renewal of licenses issued pursuant to  
26 Section 4999.54 shall be up to one hundred fifty dollars (\$150).

27 (f) The fee for annual renewal of an intern registration shall be  
28 up to one hundred dollars (\$100).

29 (g) The fee for two-year renewal of licenses shall be up to two  
30 hundred dollars (\$200).

31 4999.122. The professional clinical counselor licensing program  
32 shall be supported from fees assessed to applicants, interns, and  
33 licensees. Startup funds to implement this program shall be derived,  
34 as a loan, from the reserve fund of the Board of Behavioral  
35 Sciences, subject to an appropriation by the Legislature in the  
36 annual Budget Act. The board shall not implement this chapter  
37 until funds have been appropriated.

38 ~~SEC. 5. Section 11165.7 of the Penal Code is amended to read:~~

39 ~~11165.7. (a) As used in this article, "mandated reporter" is~~  
40 ~~defined as any of the following:~~

- 1     ~~(1) A teacher.~~
- 2     ~~(2) An instructional aide.~~
- 3     ~~(3) A teacher's aide or teacher's assistant employed by any~~
- 4     ~~public or private school.~~
- 5     ~~(4) A classified employee of any public school.~~
- 6     ~~(5) An administrative officer or supervisor of child welfare and~~
- 7     ~~attendance, or a certificated pupil personnel employee of any public~~
- 8     ~~or private school.~~
- 9     ~~(6) An administrator of a public or private day camp.~~
- 10    ~~(7) An administrator or employee of a public or private youth~~
- 11    ~~center, youth recreation program, or youth organization.~~
- 12    ~~(8) An administrator or employee of a public or private~~
- 13    ~~organization whose duties require direct contact and supervision~~
- 14    ~~of children.~~
- 15    ~~(9) Any employee of a county office of education or the State~~
- 16    ~~Department of Education, whose duties bring the employee into~~
- 17    ~~contact with children on a regular basis.~~
- 18    ~~(10) A licensee, an administrator, or an employee of a licensed~~
- 19    ~~community care or child day care facility.~~
- 20    ~~(11) A Head Start program teacher.~~
- 21    ~~(12) A licensing worker or licensing evaluator employed by a~~
- 22    ~~licensing agency as defined in Section 11165.11.~~
- 23    ~~(13) A public assistance worker.~~
- 24    ~~(14) An employee of a child care institution, including, but not~~
- 25    ~~limited to, foster parents, group home personnel, and personnel of~~
- 26    ~~residential care facilities.~~
- 27    ~~(15) A social worker, probation officer, or parole officer.~~
- 28    ~~(16) An employee of a school district police or security~~
- 29    ~~department.~~
- 30    ~~(17) Any person who is an administrator or presenter of, or a~~
- 31    ~~counselor in, a child abuse prevention program in any public or~~
- 32    ~~private school.~~
- 33    ~~(18) A district attorney investigator, inspector, or local child~~
- 34    ~~support agency caseworker unless the investigator, inspector, or~~
- 35    ~~caseworker is working with an attorney appointed pursuant to~~
- 36    ~~Section 317 of the Welfare and Institutions Code to represent a~~
- 37    ~~minor.~~
- 38    ~~(19) A peace officer, as defined in Chapter 4.5 (commencing~~
- 39    ~~with Section 830) of Title 3 of Part 2, who is not otherwise~~
- 40    ~~described in this section.~~



1     ~~(20) A firefighter, except for volunteer firefighters.~~

2     ~~(21) A physician, surgeon, psychiatrist, psychologist, dentist,~~  
3 ~~resident, intern, podiatrist, chiropractor, licensed nurse, dental~~  
4 ~~hygienist, optometrist, marriage, family and child counselor,~~  
5 ~~clinical social worker, or any other person who is currently licensed~~  
6 ~~under Division 2 (commencing with Section 500) of the Business~~  
7 ~~and Professions Code.~~

8     ~~(22) Any emergency medical technician I or II, paramedic, or~~  
9 ~~other person certified pursuant to Division 2.5 (commencing with~~  
10 ~~Section 1797) of the Health and Safety Code.~~

11     ~~(23) A psychological assistant registered pursuant to Section~~  
12 ~~2913 of the Business and Professions Code.~~

13     ~~(24) A marriage, family, and child therapist trainee, as defined~~  
14 ~~in subdivision (c) of Section 4980.03 of the Business and~~  
15 ~~Professions Code.~~

16     ~~(25) An unlicensed marriage, family, and child therapist intern~~  
17 ~~registered under Section 4980.44 of the Business and Professions~~  
18 ~~Code.~~

19     ~~(26) A state or county public health employee who treats a minor~~  
20 ~~for venereal disease or any other condition.~~

21     ~~(27) A coroner.~~

22     ~~(28) A medical examiner, or any other person who performs~~  
23 ~~autopsies.~~

24     ~~(29) A commercial film and photographic print processor, as~~  
25 ~~specified in subdivision (c) of Section 11166. As used in this~~  
26 ~~article, “commercial film and photographic print processor” means~~  
27 ~~any person who develops exposed photographic film into negatives,~~  
28 ~~slides, or prints, or who makes prints from negatives or slides, for~~  
29 ~~compensation. The term includes any employee of such a person;~~  
30 ~~it does not include a person who develops film or makes prints for~~  
31 ~~a public agency.~~

32     ~~(30) A child visitation monitor. As used in this article, “child~~  
33 ~~visitation monitor” means any person who, for financial~~  
34 ~~compensation, acts as monitor of a visit between a child and any~~  
35 ~~other person when the monitoring of that visit has been ordered~~  
36 ~~by a court of law.~~

37     ~~(31) An animal control officer or humane society officer. For~~  
38 ~~the purposes of this article, the following terms have the following~~  
39 ~~meanings:~~

1 (A) “Animal control officer” means any person employed by a  
2 city, county, or city and county for the purpose of enforcing animal  
3 control laws or regulations.

4 (B) “Humane society officer” means any person appointed or  
5 employed by a public or private entity as a humane officer who is  
6 qualified pursuant to Section 14502 or 14503 of the Corporations  
7 Code.

8 (32) A clergy member, as specified in subdivision (d) of Section  
9 11166. As used in this article, “clergy member” means a priest,  
10 minister, rabbi, religious practitioner, or similar functionary of a  
11 church, temple, or recognized denomination or organization.

12 (33) Any custodian of records of a clergy member, as specified  
13 in this section and subdivision (d) of Section 11166.

14 (34) Any employee of any police department, county sheriff’s  
15 department, county probation department, or county welfare  
16 department.

17 (35) An employee or volunteer of a Court Appointed Special  
18 Advocate program, as defined in Rule 1424 of the California Rules  
19 of Court.

20 (36) A custodial officer as defined in Section 831.5.

21 (37) Any person providing services to a minor child under  
22 Section 12300 or 12300.1 of the Welfare and Institutions Code.

23 (38) An alcohol and drug counselor. As used in this article, an  
24 “alcohol and drug counselor” is a person providing counseling,  
25 therapy, or other clinical services for a state licensed or certified  
26 drug, alcohol, or drug and alcohol treatment program. However,  
27 alcohol or drug abuse, or both alcohol and drug abuse, is not in  
28 and of itself a sufficient basis for reporting child abuse or neglect.

29 (39) A licensed professional clinical counselor, as defined in  
30 Section 4999.12 of the Business and Professions Code.

31 (40) A counselor trainee, as defined in subdivision (g) of Section  
32 4999.12 of the Business and Professions Code.

33 (41) An unlicensed professional clinical counselor intern  
34 registered pursuant to Section 4999.42 of the Business and  
35 Professions Code.

36 (b) Except as provided in paragraph (35) of subdivision (a),  
37 volunteers of public or private organizations whose duties require  
38 direct contact with and supervision of children are not mandated  
39 reporters but are encouraged to obtain training in the identification  
40 and reporting of child abuse and neglect and are further encouraged

1 to report known or suspected instances of child abuse or neglect  
2 to an agency specified in Section 11165.9.

3 ~~(e) Employers are strongly encouraged to provide their~~  
4 ~~employees who are mandated reporters with training in the duties~~  
5 ~~imposed by this article. This training shall include training in child~~  
6 ~~abuse and neglect identification and training in child abuse and~~  
7 ~~neglect reporting. Whether or not employers provide their~~  
8 ~~employees with training in child abuse and neglect identification~~  
9 ~~and reporting, the employers shall provide their employees who~~  
10 ~~are mandated reporters with the statement required pursuant to~~  
11 ~~subdivision (a) of Section 11166.5.~~

12 ~~(d) School districts that do not train their employees specified~~  
13 ~~in subdivision (a) in the duties of mandated reporters under the~~  
14 ~~child abuse reporting laws shall report to the State Department of~~  
15 ~~Education the reasons why this training is not provided.~~

16 ~~(e) Unless otherwise specifically provided, the absence of~~  
17 ~~training shall not excuse a mandated reporter from the duties~~  
18 ~~imposed by this article.~~

19 ~~(f) Public and private organizations are encouraged to provide~~  
20 ~~their volunteers whose duties require direct contact with and~~  
21 ~~supervision of children with training in the identification and~~  
22 ~~reporting of child abuse and neglect.~~

23 ~~SEC. 6.~~

24 *SEC. 5.* No reimbursement is required by this act pursuant to  
25 Section 6 of Article XIII B of the California Constitution because  
26 the only costs that may be incurred by a local agency or school  
27 district will be incurred because this act creates a new crime or  
28 infraction, eliminates a crime or infraction, or changes the penalty  
29 for a crime or infraction, within the meaning of Section 17556 of  
30 the Government Code, or changes the definition of a crime within  
31 the meaning of Section 6 of Article XIII B of the California  
32 Constitution.